

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Bruce W. Luther,

Civil No. 04-3053 (RHK/RLE)

Plaintiff,

vs.

**ORDER**

Scott T. Johnston, Peter Irvine, Rhonda Russell,  
Scott Allen, Vice President, Thomas Johnson,  
President, Director, Robert Allen, Director,  
Arden Anderson, Director, Lloyd Arbart, Director,  
Thomas Kotula, Director, Marvin Shipman,  
Director, Patrick Smith, Director, American National  
Bank of Minnesota, a Minnesota corporation, Georgia  
Nelson, Tri County Process Service, 1-99 Unnamed  
John Does,

Defendants.

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The Court has conducted a de novo review of the August 4, 2005 Report and Recommendation of United States Magistrate Judge Raymond L. Erickson. The Report and Recommendation is thorough and well reasoned and is fully supported by the factual record before Judge Erickson and controlling legal authority. Accordingly, it will be adopted in its entirety. Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson and all the files, records and proceedings in the above-entitled matter, it is **ORDERED**:

1. The Objections (Doc. Nos. 153 and 155) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 152) is **ADOPTED**;

3. Plaintiff's Motion to Stay Foreclosure Proceedings (Doc. No. 4) is **DENIED AS MOOT**;

4. Defendant Scott T. Johnston's Motion to Dismiss for Insufficiency of Service of Process (Doc. No. 10) is **DENIED**;

5. The Motions of the Defendants Thomas Johnson, Scott Allen, Patrick Smith, American National Bank of Minnesota, Lloyd Arbart, Thomas Kotula, and Marvin Shipman, to Dismiss for Insufficiency of Service of Process (Doc. No. 19) are **GRANTED, BUT WITHOUT PREJUDICE**;

6. The Motions of the Defendants Robert Allen and Arden Anderson to Dismiss for Insufficiency of Service of Process (Doc. No. 19) are **DENIED**;

7. The Motions of the Defendants Peter Irvine and Rhonda Russell to Dismiss (Doc. No. 30) are **GRANTED**;

8. The Motions of the Defendant Scott T. Johnston to Quash Subpoena Served on Sprint Communications by Plaintiff (Doc. No. 60) are **DENIED AS MOOT**;

9. The Motion of the Defendant Scott T. Johnston for Sanctions (Doc. No. 94) is **GRANTED**, and the Plaintiff is sanctioned by the dismissal of his Complaint against the Defendant Scott T. Johnston with prejudice, and by an award of attorneys' fees to all of the Defendants in the amount of \$10,000.00;

10. The Motions of the Defendants Thomas Johnson, Scott Allen, Patrick Smith, Robert Allen, American National Bank of Minnesota, Arlen Anderson, Lloyd Arbart, Thomas Kotula, and Marvin Shipman for Sanctions (Doc. No. 108) are **GRANTED**, and the Plaintiff is sanctioned by the dismissal of his Complaint against the Defendants Robert Allen, and Arlen Anderson, and by the award of attorneys' fees to all of the Defendant as related in paragraph 9 above; and

11. The Plaintiff's Motion to Quash All Motions of All Defendants and Sanctions for Misusing

the Court System (Doc. No. 112) is **DENIED AS MOOT**.

Dated: August 31, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge